


PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Erin M. Bourke-Dunphy *et al.*

Examiner: Kuo Liang J. Tang

Serial No: 09/710,143

Art Unit: 2122

Filing Date: November 10, 2000

Title: LOCATION-BASED SCENARIOS TO FACILITATE SELECTION OF
SYSTEM CONFIGURATION

**Mail Stop Appeal Brief - Patents
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APPEAL BRIEF

Dear Sir:

Applicants submit this Appeal Brief in triplicate in connection with an appeal of the above-identified patent application. Please charge \$330.00 for the fee associated with this brief to Deposit Account No. 50-1063 [MSFTP173US].

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I. Real Party in Interest (37 C.F.R. §1.192(c)(1))

The real party in interest in the present appeal is Microsoft Corporation, the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §1.192(c)(2))

Appellants, appellants' legal representatives, and/or the assignee of the present application are not aware of any appeals or interferences which will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §1.192(c)(3))

Claims 1-21 are currently pending in the subject application and are presently under consideration. The rejection of claims 1-21 is appealed.

IV. Status of Amendments (37 C.F.R. §1.192(c)(4))

No claim amendments have been entered subsequent the Final Office Action.

V. Summary of Invention (37 C.F.R. §1.192(c)(5))

The subject invention relates to systems and methods that select and/or configure software components during the installation of software systems based on location information. (*See* pg. 2, ln. 23-25). Information is acquired which is indicative of a computer location onto which application components are to be installed. (*See* pg. 2, ln. 25-26). For example, the location information can be obtained by utilizing a graphical user interface which enables a user to select from a discrete number of location based scenarios. (*See* pg. 2, ln. 26-28). Alternatively, the location information can be acquired from a system registry or other data storage. (*See* pg. 2, ln. 29-30). The present invention utilizes the location information to select and/or configure components of the software system. For example, at least some of the components of the software system can be set as default components based on the location information. (*See* pg. 4, ln. 16-18). Thus, system functionality can be tailored to provide desirable functionality based at least in part on location information. (*See* pg. 3, ln. 2-4).

VI. Statement of the Issues (37 C.F.R. §1.192(c)(6))

Whether claims 1-2, 5-9, 13-16, and 19-21 are unpatentable under 35 U.S.C. §102(b) as being anticipated by Amberg *et al.* (U.S. 5,963,743).

Whether claims 3-4, 10-12, and 17-20 are unpatentable under 35 U.S.C. §103(a) over Amberg *et al.* (U.S. 5,963,743), in view of Jones *et al.* (U.S. 5,666,501).

VII. Grouping of Claims (37 C.F.R. §1.192(c)(7))

For the purposes of this appeal only, the claims are grouped as follows:

Claims 1-21 stand or fall together.

VIII. Argument (37 C.F.R. §1.192(c)(8))**A. Rejection of Claims 1-2, 5-9, 13-16, and 19-21 Under 35 U.S.C. §102(b)**

Claims 1-2, 5-9, 13-16, and 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Amberg *et al.* (US 5,963,743). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Amberg *et al.* does not teach or suggest *each and every limitation* of the claimed invention.

i. *Applicable Law*

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

- ii. ***Amberg et al. does not teach or suggest each and every limitation set forth in claims 1-2, 5-9, 13-16, and 19-21. Therefore, Amberg et al. does not anticipate claims 1-2, 5-9, 13-16, and 19-21.***

The subject invention as claimed relates to configuring and/or setting up software systems based on ***installation location*** (e.g., the location ***where the software system is being installed***). Information is acquired indicative of a computer ***location*** onto which application components are to be installed. (See pg. 2, ln. 25-26). The acquired ***location information*** is utilized to configure the software system. (See pg. 2, ln. 31-32). Thus, the subject invention provides systems and methods for tailoring software systems to provide desirable functionality based at least in part on ***location information***. (See pg. 3, ln. 2-4). Amberg *et al.* fails to teach or suggest such elements of applicants' claimed invention. In particular, Amberg *et al.* does not teach or suggest ***configuration characteristics*** for the software system determined ***based at least in part on the location*** scenario as recited in independent claim 1 (and similarly independent claims 7, 8, and 15).

The Advisory Action dated January 13, 2004 contends "the features upon which applicant relies (i.e., 'installation location' which should be entailed 'location' as described per specification as pg. 2, ln. 25-26, 31-32 and page 3, ln. 2-4;) are not recited in the rejected claim(s)." Applicants' representative respectfully disagrees, and submits that the subject claims recite that a setup component receives ***information indicative of a location scenario related to where the software system is being installed.***

Moreover, Amberg *et al.* merely discloses utilizing a computer system configured to ***sequence software installation and testing steps*** to be run on a target system using component descriptors from a descriptor file. (See col. 4, ln. 1-10). By way of example, a customer places an ***order*** to purchase build-to-order target computer system. (See col. 4, ln. 50-51). Such ***order*** is converted into the descriptor file, which lists each hardware and software component to be installed onto target system. (See col. 4, ln. 61 – col. 5, ln. 1). A network is utilized, but it merely allows a sequencing program to direct execution of the software installation and testing steps upon the target system in accordance with the requirements of the descriptor file. (See col. 5, ln. 8-19). Thus, Amberg *et al.* simply discloses configuring a target system solely according to an ***order*** and the network is merely utilized for communication. However, Amberg *et al.* does

not teach or suggest *configuration characteristics for the software system determined based at least in part on the location* scenario as recited in the applicants' claimed invention.

In view of at least the above, it is readily apparent that Amberg *et al.* does not anticipate or suggest the subject invention as recited in claims 1, 7, 8, and 15 (and claims 2, 5-6, 9, 13-14, 16, and 19-21 which respectively depend there from). Thus, it is respectfully requested that this rejection be withdrawn.

B. Rejection of Claims 3-4, 10-12, and 17-20 Under 35 U.S.C. §103(a)

Claims 3-4, 10-12, and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg *et al.* (US 5,963,743) in view of Jones *et al.* (US 5,666,501). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Amberg *et al.* and Jones *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

Jones *et al.* does not make up for the aforementioned deficiencies of Amberg *et al.* with respect to independent claims 1, 8 and 15 (which claims 3-4, 10-12, and 17-20 directly or indirectly depend from). Jones *et al.* does not teach or suggest a setup component that receives information indicative of a location scenario related to where the software system is being installed, *configuration characteristics for the software system determined based at least in part on the location scenario* as recited in independent claim 1 (and similarly in independent claims 8 and 15). Instead, Jones *et al.* teaches installing software stored on a second machine to a first machine in a distributed computing network. (*See abstract*). Therefore, the subject invention as recited in claims 3-4, 10-12, and 17-20 is not obvious over the combination of Amberg *et al.* and Jones *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

IX. Conclusion

The present application is believed to be in condition for allowance, in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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X. Appendix of Claims (37 C.F.R. § 1.192(c)(9))

1. (Previously presented): A system that facilitates configuration of a software system being installed, comprising:

a setup component that receives information indicative of a location scenario related to where the software system is being installed, configuration characteristics for the software system determined based at least in part on the location scenario.

2. (Previously presented): The system of claim 1, wherein the software system further comprises a plurality of available components, the configuration characteristics further include default components selected for installation from the plurality of available components based on the location scenario.

3. (Original): The system of claim 2, further comprising a component selection user interface which is programmed to identify the default components and, in response to receiving a user input, to select which of the plurality of available components of the software system are to be installed, the operating characteristics for at least some of the selected components being controlled as a function of the location scenario.

4. (Previously presented): The system of claim 1, wherein the setup component further comprises a location user interface component that presents at least two location scenarios associated with installation of the software system, the location user interface component sets the location scenario in response to receipt of an associated user input.

5. (Original): The system of claim 1, further including computer-executable instructions associated with the setup component for accessing stored system information and determining configuration characteristics associated with a location onto where the software system is being installed, the location scenario being determined based on the configuration characteristics.

6. (Previously presented): The system of claim 1, wherein the software system is a server system that has a plurality of server components and the location scenario is selected from at least two scenarios including a central server scenario and a branch office server scenario.

7. (Previously presented): A system for facilitating configuration of a software system being installed, comprising:

means for identifying a location scenario associated with a computer where the software system is to be installed; and

means for determining a configuration for the software system based on the location scenario.

8. (Original): A method for configuring a software system, comprising:
selecting a scenario based on a location where the software system is to be installed; and

determining a configuration for the software system the based on the selected scenario.

9. (Original): The method of claim 8, wherein the software system includes a plurality of components, the step of determining further comprising determining at least one default component to install from the plurality of components based on the selected scenario.

10. (Original): The method of claim 9, further comprising providing a user interface which identifies the at least one default component.

11. (Original): The method of claim 10, further including selecting which of the plurality of components are to be installed and controlling operating characteristics of at least some of the selected components as a function of the selected scenario.

12. (Original): The method of claim 8, further comprising presenting at least two possible location scenarios via an associated user interface, the step of selecting further comprising selecting the scenario from one of presented scenarios.

13. (Original): The method of claim 8, wherein the step of selecting further comprises accessing stored system information and determining configuration characteristics associated with a location onto where the software system is being installed, the selected scenario being determined based on the determined configuration characteristics.

14. (Original): The method of claim 8, wherein the software system is a server system having a plurality of server components and the selected scenario is selected from at least two scenarios including a central server scenario and a branch office server scenario.

15. (Original): A computer-readable medium having computer-executable instructions for:

receiving data indicative of a location scenario where a software system is to be installed; and

configuring the software system based on the location scenario.

16. (Original): The computer-readable medium of claim 15, having further computer-executable instructions for determining at least one default component to install from a plurality of available components based on the location scenario.

17. (Original): The computer-readable medium of claim 16, having further computer-executable instructions for providing an interactive user interface that identifies the at least one default component.

18. (Original): The computer-readable medium of claim 17, having further computer-executable instructions for selecting which components of the software system are to be installed based on user input via the user interface and controlling operating characteristics of at least some of the selected components as a function of the location scenario.

19. (Original): The computer-readable medium of claim 15, having further computer-executable instructions for providing a user interface that presents at least two possible location scenarios and for receiving instructions via the user interface for selecting the location scenario from the presented scenarios.

20. (Original): The computer-readable medium of claim 19, wherein the software system is a server system having a plurality of server components, the computer-readable medium having further computer-executable instructions for presenting the at least two possible location scenarios to include a central server scenario and a branch office server scenario.

21. (Original): The computer-readable medium of claim 15, having further computer-executable instructions for accessing stored system information and determining configuration characteristics associated with a location onto where the software system is being installed, the location scenario being determined based on the determined configuration characteristics.